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STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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PERMIT

GREAT PONDS PERMIT 3400 And Water Quality Certification

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Deborah Catell, Scott Catell, and Rebecca Mills for Great Ponds Permit 3400, finds the following facts:

1. Applicants: Deborah Catell
Scott Catell
Rebecca Mills
271 Norton Hill Road
Dover Foxcroft, Maine 04426
2. Date of Completed Application: October 6, 2014
3. Location of Proposal: Blanchard Township, Piscataquis County
Plan 06, Lot 39
4. Zoning: (P-WL) Wetland Protection Subdistrict
(D-RS) Residential Development Subdistrict
5. Affected Waterbody: Whetstone Pond

The Commission has identified Whetstone Pond as relatively accessible, heavily developed, management class 5, resource class 2 lake with significant fisheries and physical resources.

Background

6. The applicants approximately 32,000 square foot lot on Whetstone Pond with 130 feet of shoreline frontage is presently developed with a Pre-LUPC (LURC) residential structure and one accessory structure. The shoreline is eroding because of ice damage and wave action which is causing erosion and sedimentation into Whetstone Pond along with the loss of the applicants shore frontage.

Proposal

7. The applicant proposes to stabilize and secure the currently eroding 130 feet of shoreline by placing approximately 100 feet of rip rap along the currently existing shoreline by hand using handtools and use of an excavator at a 2 to 1 slope along the shoreline, The placed rip rap will consist of 6 inch to 12 inch natural clean rock with filter fabric placed over the currently existing rip rap and the new rip rap place over the filter fabric and secured into the pond bottom extending out approximately 3 feet out into

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the waterbody.. The project area would be accessed by a currently existing driveway and pathway storing material at least 100 feet from the pond. Work would be done at low water above the water line except for securing the rip rap to the pond bottom. Construction would be accomplished by doing handwork using handtools and a small excavator to move material from the shore area to the project area and then the placement of said material into the shoreline and pond bottom. The new shoreline would then be allowed to revegetate. Appropriate shoreline erosion and sedimentation prevention measures would be instituted.

Review Criteria

8. Under Section 10.23,N,3,c,(11) of the Commissions Land Use Districts and Standards shoreland alterations may be allowed within a (P-WL) Wetland Protection Subdistrict upon the issuance of a permit from the Commission according to 12 M.R.S.A. subsection 685-B and subject to the applicable requirements set forth in Sub-Chapter III.
9. Under provisions of Section 10.25,P,1,c(3) of the Commission's Land Use Districts and Standards, projects altering any area of P-WL1 wetlands require a Tier 3 review. Alterations of P-WL1 wetlands may be eligible for Tier 2 review if the Commission determines, at the applicant's request, that the activity will have no undue adverse impact on the freshwater wetlands or other protected resources present. In making this determination, consideration shall include but not be limited to, such factors as the size of the alteration, functions of the impacted area, existing development or character of the area in and around the alteration site elevation differences and hydrological connection to surface water or other protected features.
10. Under provisions of Section 10.25,P,2 of the Commission's Land Use Districts and Standards, projects requiring Tier 2 review must not cause a loss in wetland area, functions, and values if there is a practicable alternative to the project that would be less damaging to the environment. Projects requiring a Tier 2 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project; must comply with applicable water quality standards; and use erosion control measures to prevent sedimentation of surface waters. Each Tier 2 application must provide an analysis of alternatives in order to demonstrate that a practicable alternative does not exist. Projects requiring a Tier 2 review must limit the amount of wetland to be altered to the minimum amount necessary to complete the project
11. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, the Commission may waive the requirement for a functional assessment, compensation, or both. The Commission may waive the requirement for a functional assessment if it already possesses the information necessary to determine the functions of the area proposed to be altered. The Commission may waive the requirement for compensation if it determines that any impact to wetland functions and values from the activity will be insignificant.

The facts are otherwise as represented in Great Ponds Permit Application GP 3400 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed shoreland alteration would be in conformance with the provisions of Section 10.23,N,3,c(11), of the Commission's Land Use Districts and Standards.
2. In accordance with the provisions of Section 10.25,P,1,c(3) of the Commission's Land Use

Districts and Standards, the proposed shoreland alteration meets the requirements for reduction from a Tier 3 to a Tier 2 wetland review.

3. The proposal would meet the provisions of Section 10.25,P,2 of the Commission's Land Use Districts and Standards. Specifically, there exists no practicable alternative that would impact a smaller wetland area and the work area would be minimized by placing material by hand, using handtools, and not operating any equipment in the water preventing sedimentation and erosion and minimize water quality impacts. The water quality classification of Whetstone Pond is likely to be improved by the project along with protecting the integrity of the shoreline.
4. Under provisions of Section 10.25,P,2,e(2) of the Commission's Land Use Districts and Standards, neither a functional assessment nor compensation is required because the Commission already possesses the information necessary to determine the functions of the area proposed to be altered, and any impact to wetland functions and values from the activity will be improved because the shoreline will be permanently stabilized from the currently existing erosion and sedimentation.
5. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Deborah Catell, Scott Catell, and Rebecca Mills with the following conditions:

1. The Standard Conditions for Shoreland Alterations (ver. 4/91), a copy of which is attached.

Notwithstanding Condition #3 of the Standard Conditions for Shoreland Alterations, activities authorized by this permit must be begun within two years of the date of issuance and completed within five years from the date of issuance of this permit

2. Any excavation or construction must be done when the project area is at a time of low water if possible.
3. Any debris or fill material must be stored away from the waterbody and stockpiled above the normal high water mark. Tarps and silt fence must be used to prevent sedimentation from stockpiled materials, where necessary.
4. All areas of disturbed mineral soil must be promptly reseeded and stabilized with mulch, and maintained in a vegetated state to prevent soil erosion. In areas where revegetation is not initially successful, additional measures to control erosion and sedimentation must be undertaken as often as necessary to be effective.
5. No dredging may take place, except rocks and material that are part of the original shoreline may be moved and/or reused.
7. Upon completion of the project within the terms of this permit, any debris remaining must be disposed of in a proper manner, in compliance with all applicable state and federal solid waste laws and rules.
8. Should any erosion or sedimentation occur during construction, the permittees shall contact the Land Use Planning Commission immediately, notifying it of the problem and describing all proposed corrective measures.

9. Tracked equipment may not be operated below the normal high water mark or below the water line of Whetstone Pond excepting for reaching out in the placement of material but may be operated in the vegetated area above the normal high water mark. Any exposed mineral soil will be stabilized at the end of each day.
10. Every effort must be made to blend the riprap into the currently existing shoreline.
11. Imported fill shall be clean before placement onto the shoreline.
12. The stabilized shoreline, when completed, will be allowed to revegetate.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE THIS 7th DAY OF OCTOBER, 2014



For Nicholas D. Livesay